

said Thomas Clagett, before the said first day of October, in the year eighteen hundred and thirty, the said advances, loans, en-

65, sec. 63, to be used on the motion for an injunction; or he may await the coming in of the answer, and move upon the merits therein confessed. *Ibid.* The object of an injunction granted before answer is to preserve all things in their then condition; not to determine any right by anticipation, or to undo or restore anything, except in so far as it may consequentially follow from the operation of the injunction. *Murdock's Case*, 2 Bland, 461; *State v. Railway Co.* 18 Md. 193.

An injunction may be granted in any case on bill alone, before a subpoena has been issued, except to stay proceedings at law in an action of ejectment by a lessor, or to recover mortgaged property. *Jones v. Magill*, 1 Bland, 177.

A decree requiring money to be paid into Court, enjoining the defendants from further proceedings at law, and requiring them to interplead and answer, is interlocutory, and at all times, prior to final decree, subject to revision and alteration, being merely ancillary to further proceedings; and may be rescinded when improvidently or prematurely passed. *Barth v. Rosenfeld*, 36 Md. 604.

The issuing of an injunction does not necessarily require a bond, for that is a matter resting in the discretion of the Judge. *White v. Davidson*, 8 Md. 169. Cf. *Eakle v. Smith*, 27 Md. 483; Rev. Code, Art. 65, sec. 77.

3. *Amendments.* "If the plaintiff amend his bill, the injunction is at an end, unless it is expressly provided by the order that an amendment shall be without prejudice. And the Court is governed in the exercise of its discretion to continue or otherwise the injunction by the nature of the amendment and the circumstances under which it is made. In some cases, where it was sought to amend a bill by inserting additional matters of fact, an affidavit has been required that such new matter was not known to the party at the time of filing the original bill." *Alexander's Ch. Prac.* 90.

When an injunction has been granted and a motion to dissolve made, it is not usual to ask for, or for the Court to grant, leave to amend the bill. *Bush v. Linthicum*, 59 Md. 345.

No appeal lies from an order granting leave to a complainant to amend his bill in certain particulars by a day named, and on failure to make application to amend and to file the amended bill within the time limited, declaring that the injunction previously issued would be dissolved, and in the meantime continuing the injunction till further order;—such order is merely interlocutory. *Hill v. Reifsnider*, 39 Md. 429.

The making of a substantial amendment dissolves the injunction, of course, unless expressly saved. *Binney's Case*, 2 Bland, 99.

When the case presented by a proposed amendment is one which an injunction may be properly awarded, the Court should allow the amendment and continue the injunction. *Keerl v. Keerl*, 28 Md. 161. Although after a demurrer has been allowed the bill is out of Court and no order can be subsequently made in the cause, the Court will, in some cases, where it sees that the defect pointed out by the demurrer can be remedied by amendment, and substantial justice requires it, make a special order at the hearing of the demurrer adapted to the circumstances of the case. *Ibid.* See Rev. Code, Art. 65, sec. 38. Equity Rules, 29, 30. As to amendment by interlineation, see *Walsh v. Smyth*, 3 Bland, 407.

When the operation of an injunction to restrain a party from tearing down the end of a house was stayed by a bond, and the defendant went on to tear down and erect a house on the ground in dispute, the continuance of an in-